

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>CLARENCE FERRIS, Plaintiff, vs. CITY OF RAPID CITY; Respondeat Superior Rapid City Police Department; in its individual and official capacity; BRENDAN LENARD, Police Officer in his individual and official capacity; CHARLES THUBAULT, Police Officer, in his individual and official capacity; CONNOR AUTEBERRY, Police Officer, in his individual and official capacity; and RAPID CITY POLICE DEPARTMENT, Respondeat Superior Rapid City Police Department, in its individual and official capacity; Defendants.</p>	<p>5:22-CV-05002-KES ORDER DISMISSING CASE UNDER RULE 4(M)</p>
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Plaintiff filed a complaint in the above-entitled action on January 5, 2022. Under Federal Rule of Civil Procedure 4(m), plaintiff has 90 days to serve the summons and complaint on defendants. Plaintiff has not filed with the clerk of court verification of service on defendants. Rule 4(m) states in pertinent part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Fed. R. Civ. P. 4(m). On September 6, 2022, the court filed an order giving notice to plaintiff that this case would be dismissed without prejudice under Rule 4(m) if the plaintiff did not make proper service of the summons and the complaint on defendants on or before October 3, 2022. As of today's date, plaintiff has not filed with the clerk of court verification of service on the defendants or shown good cause for failure to serve. Thus, it is

ORDERED that this case is dismissed without prejudice under Rule 4(m).

Dated October 7, 2022.

BY THE COURT:

/s/ *Karen E. Schreier*

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE